

YOUNG
CONAWAY

WILMINGTON
RODNEY SQUARE
NEW YORK
ROCKEFELLER CENTER
Timothy Jay Houseal
P 302.571.6682
F 302.576.3300
thouseal@ycst.com

August 2, 2022

VIA CM/ECF & HAND DELIVERY

The Honorable Sherry R. Fallon
United States District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street, Unit 14, Room 6100
Wilmington, DE 19801

Re: Cipla USA, Inc. v. Ipsen Biopharmaceuticals, Inc., Case No. 1:22-cv-00552-VAC-SRF

Dear Judge Fallon:

Pursuant to the Court's July 6, 2022 Order, the Parties have submitted a joint letter updating the Court on the rulings of the Centers for Medicare & Medicaid Services (CMS), filed on July 14, 2022 (D.I. 32). The July 14, 2022 joint letter also outlined the Parties' positions regarding the impact of the CMS rulings. In light of the **approaching August 8, 2022 expiration date** of the Court's Order staying the Rule 26(f) conference, Ipsen respectfully requests guidance from the Court as to case scheduling and the resolution of Ipsen's pending Motion to Stay Discovery.

As the Court is aware, Ipsen's Motion to Stay Discovery has been fully briefed (D.I. 19, 22, and 24) and is pending consideration. The purpose of this instant letter is to inquire whether the Court plans to schedule a teleconference or oral argument on the pending motion or requires any additional supplementation from the Parties. As noted in the joint letter, Cipla takes the position that a Rule 26(f) discovery conference should go forward prior to August 8, 2022, despite Ipsen's pending Motion to Stay Discovery, whereas Ipsen submits that the discovery stay motion should be resolved first—particularly in light of CMS's recent decisions.

Counsel is available at the Court's convenience to address these issues.

Respectfully submitted,

/s/ Timothy Jay Houseal
Timothy Jay Houseal (No. 2880)
Attorney for Defendant Ipsen
Biopharmaceuticals, Inc.

cc: All Counsel of Record (via CM/ECF)

Young Conaway Stargatt & Taylor, LLP
Rodney Square | 1000 North King Street | Wilmington, DE 19801
P 302.571.6600 F 302.571.1253 YoungConaway.com